



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

WILLIAM H. SANDERS, on behalf of
Himself and all others similarly situated,

Plaintiff,

vs.

FOREX CAPITAL MARKETS, LLC,

Defendant.

MEMO ENDORSED

CASE NO.: 1:11-cv-00864-CM

RICO CASE STATEMENT

18 U.S.C. §§ 1961-1968

**MOTION TO EXTEND TIME TO
FILE RICO CASE STATEMENT**

Plaintiff, William H. Sanders, on behalf of himself and all others similarly situated (collectively, "Plaintiffs"), moves the Court under Federal Rule of Civil Procedure 6(b), and respectfully requests the Court to extend the time for Plaintiff to file his RICO Case Statement until ten (10) days after the date by which Plaintiff files an Amended Complaint under the time allowed by Federal Rule of Civil Procedure Rule 15(a)(1), as discussed herein. Plaintiff submits the following Memorandum in Support of this Motion.

MEMORANDUM IN SUPPORT

1. Plaintiff filed the Class Action Complaint with this Court on February 8,

2011 [Docket No. 1].

3/23/2011

No courtesy copy of the motion was sent to the Court. Therefore we were unaware of it. The RICO case statement must be filed by 3/30 - NO FURTHER EXTENSION

2. On March 8, 2011, this Court granted a Stipulation and Order Extending Time for Defendant, FXCM, to answer, move, or otherwise respond to the Complaint, from March 8, 2011 to and including April 7, 2011. [Docket No. 5]. Defendant has not responded to the Complaint.

3. Plaintiff has discovered new information regarding the factual predicate for his RICO claim and intends file an Amended Complaint under the time allowed by Federal Rule of Civil Procedure Rule 15(a)(1) setting forth allegations based upon these newly discovered facts. Concomitantly, Plaintiff would intend to include these newly discovered facts in the RICO Case Statement.

4. The RICO Case Statement is currently due on March 10, 2011. Plaintiff requests an extension of time to file the RICO Case Statement until ten (10) days after the date by which Plaintiff files an Amended Complaint under the time allowed by Federal Rule of Civil Procedure Rule 15(a)(1).

5. Plaintiff has not previously requested an extension of time to file his RICO Case Statement.

6. Plaintiff's request is made for good cause and not for purpose of delay.

7. Plaintiff's counsel has attempted to confer with Defendant's counsel regarding the relief requested by this motion, but has been unable to obtain Defendant's consent to this request at this time.

WHEREFORE, Plaintiff respectfully requests this Court enter an order extending the time for Plaintiff to file his RICO Case Statement until ten (10) days after the date by

which Plaintiff files an Amended Complaint under the time allowed by Federal Rule of Civil Procedure Rule 15(a)(1).

DATED this 10th day of March, 2011.

MORGAN & MORGAN, P.A.
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to all counsel of record via filing with the Court's CM/ECF system this 10th day of March, 2011.

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